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Report of the Secretary-General

ANNEX

Reply received from the Permanent Mission of Italy
dated 20 February 1998

GE.98-14376 (E)

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Report of the Secretary-General

ANNEX

Reply received from the Permanent Mission of Italy
dated 20 February 1998

GE.98-14376 (E)

Geneva, 20 February 1998

The Permanent Mission of Italy to the United Nations Office and other international organizations at Geneva presents its compliments to the Office of the High Commissioner for Human Rights.

With reference to its note verbale No. 487 of 6 February, the Permanent Mission of Italy is pleased to inform it of the fact, for inclusion in the information supplied under point 2 of the questionnaire on the human rights of migrants, that on 19 February 1998 the Italian Parliament approved the Bill granting "to foreigners present at the frontier or on the territory of the State the fundamental human rights provided for by national legislation, international conventions and the principles of generally recognized international law". The text of this law will be transmitted as soon as possible.

The Permanent Mission of Italy avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Note by the secretariat: The above-mentioned law has still not been transmitted to the secretariat.

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Report of the Secretary-General

ANNEX

Submission from the Government of Mexico
dated 18 February 1998

GE.98-13083 (E)

18 February 1998

The Permanent Mission of Mexico to the international organizations with headquarters in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and, with reference to Note G/SO 212/28 (1) from the Secretary-General of the United Nations, is pleased to enclose herewith th supplementary information provided by the Government of Mexico to question 3 of the questionnaire on the human rights of migrants prepared by the Commission on Human Rights working group on this subject.

The Permanent Mission of Mexico avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

XENOPHOBIA EXPERIENCED BY MEXICANS IN THE UNITED STATES

Migration between Mexico and the United States has become the subject of an increasingly strident anti-immigrant discourse. Expressions of xenophobia fuelled by political initiatives such as Save Our State (SOS), which grew into Proposal 187, have set the tone for an extension to the national level of a debate on migration characterized by anti-immigrant attitudes. These sentiments have been directed against Latin American migrants in general and Mexicans in particular. The discourse has been used both for politico-electoral purposes and as a justification for xenophobic actions on the part of individuals and civil organizations. The politico-electoral discourse has emphasized migrants' cost to society and has made no reference to the very important contributions migrants have made in the cultural, scientific, technical, social and economic spheres.

At the national level, the migration debate has drawn increasingly on attitudes showing a rejection of migrants. Although politicians refer to undocumented migration, a large segment of their audience has made no distinction, but has interpreted their message as a rejection of all migrants, including documented migrants. As a result, organizations and individuals have emerged with the aim of restructuring the social order through initiatives, some quite radical, others more moderate, but which all share the same basic objective: to reject, condemn and openly discriminate against migrants.

Organizations such as US Border Control (USBC), Video Organization Project (VIP), Negative Population Growth (NPG) and the Federation for American Immigration Reform (FAIR) have managed to collect significant funds to spread their xenophobic message throughout the country. By claiming that migrants are the main recipients of the country's social welfare, they identify them as people who come from abroad with the sole aim of becoming a burden on the rest of society. These organizations have fostered the idea that migrants are the cause of the biggest social ills: crime, the economic crisis, the changing moral order and even ecological imbalance. Voice of Citizens Together (VCT) targets the Mexican community in particular, organizing demonstrations on national holidays and devoting time and space on various radio stations to spelling out the need to militarize the southern border of the United States.

As a result of the anti-immigrant climate that has been created in various regions of the United States in recent years, there has been an increase in the protective function of Mexico's 42 consular offices there.

The blatant harassment experienced by our compatriots has been intensified as they confront an extremely restrictive new migration law and social welfare legislation reforms which will have highly adverse effects on all migrants, including documented migrants. The widespread publicity given to these changes in legislation has encouraged American society to step up a discourse based on xenophobic attitudes that give rise to distorted, negative perceptions of the image of migrants themselves and of the circumstances that prompted them to emigrate and may even lead to the migrant being defined as a delinquent and a criminal.

This situation is reflected in Mexican consular activity and an increase in the number of cases in which Mexicans in the United States fall victim to xenophobia and racism. In some cases, the very circumstances in which such harassment occurs make it difficult to determine whether they are cases of racism proper or whether they arise from xenophobia. What is important in terms of operational protection is to deal with each case immediately and to notify the local authorities of the rise of xenophobia and racism; distinguishing between the two thus becomes a secondary issue. It is therefore difficult to put an exact figure on cases of xenophobia, but what is certain is that the Mexican consulates in the United States come across hundreds of them every year.

In some cases, human rights violations committed against Mexicans in the United States have been accompanied by clearly xenophobic statements on the part of the authorities. Generally speaking, these are made by local police officials who have mistakenly interpreted the anti-immigrant climate and the changes in legislation as national anti-immigrant sentiment justifying action of this kind. However, in more serious cases, racist and xenophobic attitudes have become the foundation of local policies.

An example of this occurred on 27 June 1997 in Chandler, Arizona. The local police, having singled out individuals solely on the basis of their ethnic appearance, spent several days detaining them and questioning them on their migrant status. Afterwards, they notified the migration authorities, who discovered that a number of the detainees were United States citizens or legal residents of the country.

In a number of regions of the United States, civilians have taken it upon themselves to pursue and detain migrants and bring them before the migration authorities in order to obtain a ruling on whether or not they are in the country legally. Cases of this kind have occurred in rural areas of Arizona, California and Texas.

Other incidents are typified by the actions of the Citizens Patrol, an organization that has detained and questioned individuals at San Diego airport purely on the basis of their physical appearance in order to bring them before the migration authorities.

In addition to the incidents mentioned, there have been others of a widely varied nature, in which not only individuals, but also small social groups organized with the prime aim of carrying out such action, have displayed xenophobia.

In uncovering and investigating such incidents, the Mexican consulates have the support and collaboration of non-governmental organizations (NGOs) dedicated to the defence of human rights and migrant welfare. Such support is particularly valuable in cases involving migrant minors and women. Since this population group increasingly feels that it should maintain a low profile, there are also many victims of abuses of this kind who are afraid to report them to any authority, including those of their own country. In this regard, NGOs have made an invaluable contribution in bringing migrants to consulates to lodge complaints.

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Report of the Secretary-General

ANNEX

Submission from the Danish Centre for Human Rights
dated 20 February 1998

GE.98 - 13086

Answers to the questionnaire on human rights of migrants

(Answer 1)

The total Danish population by January 1st 1997 amounted to 5,282,111 of whom 237,695 held a foreign citizenship. 30% (approx. 71,309) of the non-citizens originated from the Nordic countries, EU countries, and North America. The remaining 70% (approx. 166,386) held citizenship in other countries.

(Answer 2)

During 1997 there has not been any measures to strengthen the promotion, protection and implementation of human rights of migrants in Denmark.
Instead a law which most likely is conflicting international human rights laws was proposed at the end of the year 1997, the law is currently being read at the Danish parliament, which is working to pass the law by June 1998.

The Danish Centre of Human Rights had the proposed law submitted, and made among others the following comments to the Ministry of Interior:

The proposed law is violating Danish obligations to international human rights and simultaneously the notes to the law enjoins the Danish public administration to ensure that Denmark is not conflicting the human rights conventions.

The law is not compatible with the European Human Rights Commission article 8 and 12. Furthermore the Danish Centre of Human Rights forsees that the law will discriminate and thereby violate the European Human Rights Commission article 14, in enforcing rules which forbid people who are seeking asylum the right to marry.

The law is breaking the Refugee Convention article 23 and possibly also the UN Convention on economic, social and cultural rights.
So far Denmark has fulfilled the criterias of article 23 of the Refugee Convention by giving refugees the right to recieve social benefit under the same conditions as Danish citizens. With the poposed law this right to recieve social benefit is eliminated, which leads The Danish Centre of Human Rights to find proof of a violation of the Refugee Convention article 23.

(Answer 3)

With regards to manifestations of racism, xenophobia and other forms of discrimination against migrants in Denmark and discrimination against Danish people abroad please see enclosed material (Enclosure no.1).

(Answer 4)

No steps have been taken in Denmark to ratify the following three conventions:

* 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

* International Labour Organisation (ILO) Convention conscerning Migration for Employment (Revised), 1949 (No. 97).

* ILO Convention concerning Migration in Abusive Conditions and the Promotion of Equality of Opportunity and Treatmentof Migrant Workers, 1975 (No. 143).

Secretariat note: the enclosures to the present submission are kept by the Secretariat and are available upon request.

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Report of the Secretary-General

ANNEX

Submission from the External Relations Department of the Principality of Monaco dated 17 February 1998

The External Relations Department of the Principality of Monaco presents its compliments to the Office of the United Nations High Commissioner for Human Rights and, with reference to the latter's fax dated 3 December 1997, concerning a questionnaire on the human rights of migrants, has the honour to enclose a list of foreign nationals holding Monegasque residence permits at 31 December 1997.

There have been no manifestations of racism or xenophobia against migrants in the Principality or against Monegasque nationals abroad.

The External Relations Department avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Monaco, 17 February 1998

LIST OF RESIDENCE-PERMIT HOLDERS
BY NATIONALITY AT 31 DECEMBER 1997

Nationality	1997
Afghan	-
Algerian	25
American	351
Andorran	1
Argentine	49
Armenian (refugees)	3
Australian	98
Austrian	130
Belarusian	1
Belgian	699
Belizean	6
Bolivian	3
Bosnian	1
Brazilian	46
British	1 290
Bulgarian	6
Burkina Faso	3
Burundian	1
Cameroonian	3
Canadian	182
Cape Verdean	12
Chilean	8
Chinese	6
Colombian	9
Comorian	-
Congolese	1
Costa Rican	1
Croatian	50

Nationality	1997
Cuban	3
Cypriot	11
Czech	17
Danish	100
Dominican	9
Egyptian	57
Estonian	-
Estonian (refugees)	1
Ethiopian	2
Ethiopian (refugees)	1
Finnish	42
French	10 414
Georgian	1
German	747
Ghanaian	1
Greek	205
Guatemalan	2
Guinean	2
Haitian	5
Honduran	1
Hong Kong	1
Hungarian	17
Icelandic	3
Indian	18
Indonesian	1
Iranian	55
Iranian (refugees)	11
Iraqi	4
Irish	40

Nationality	1997
Israeli	17
Italian	5 633
Ivorian	9
Jamaican	1
Japanese	37
Jordanian	15
Kazakh	1
Korean	2
Kuwaiti	15
Latvian	-
Lebanese	168
Libyan	2
Liechtenstein	1
Lithuanian	2
Luxembourg	15
Macedonian	1
Malagasy	2
Malaysian	-
Malian	2
Maltese	4
Mauritian	130
Mexican	19
Moroccan	263
Nepalese	1
Netherlands	432
New Zealand	17
Nigerian	4
Norwegian	32
Omani	1

Nationality	1997
Pakistani	-
Peruvian	7
Philippine	155
Polish	26
Polish (refugees)	1
Portuguese	449
Romanian	15
Russian	28
Russian (refugees)	-
Salvadoran	2
San Marino	2
Saudi Arabian	18
Scottish	-
Sierra Leonean	1
Senegalese	17
Seychelles	4
Singaporean	1
Slovak	8
Slovene	4
South African	37
Spanish	312
Sri Lankan	30
Stateless	17
Swedish	228
Swiss	786
Syrian	13
Taiwanese	3
Thai	5
Togolese	6

Nationality	1997
Trinidad and Tobago	1
Tunisia	80
Turkish	55
Ukrainian	8
Uruguayan	16
USSR	1
Venezuelan	10
Vietnamese	6
Vietnamese (refugees)	8
Yugoslav	35
Yugoslav (refugees)	2
Zimbabwean	2
Total	23 981

Altogether 199 nationalities

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Report of the Secretary-General

ANNEX

Reply dated 19 February 1998 from the Permanent Mission of the Republic of Bulgaria

GE.98-13146 (E)

REPLIES TO THE QUESTIONNAIRE ON THE HUMAN RIGHTS OF MIGRANTS

1. The latest figures or estimates for:

(a) Total population, including non-nationals:

8,535,075 persons, including:

1,930 habitual residents who are non-nationals;

212 persons with a provisional residence permit for more than three months.

(b) Number of Bulgarian nationals aborad: The competent authorities are now in the process of gathering information on the number of Bulgarian citizens abroad.

(c) Non-nationals having authorization to work in the country: 1,930.

(d) Irregular migrants, including visa abusers, 526 (for 1997).

2. Measures taken to strengthen the promotion, protection and implementation of the human rights of migrants:

The legal and social status of foreigners living in Bulgarian territory for work purposes is governed by the domestic legislation in force, in conformity with international and European legal standards, so as to fully guarantee their individual rights and freedoms, on the basis of the equality of everyone before the law and full application of the principle of non-discrimination.

Foreigners authorized to reside habitually in Bulgaria, persons to whom the authorities have granted the right of asylum and persons who have been given refugee status may be employed under a work contract in conformity with the method established for Bulgarian nationals. Foreigners not habitually resident in the country must obtain a work permit from the National Employment Service if no other provisions are established in intergovernmental agreements.

A work permit is not issued in cases or in circumstances in which the conditions of work and pay are less favourable than those for Bulgarian workers or in cases in which the pay is not sufficient to cover the person's living costs in Bulgaria.

Foreigners working in Bulgaria have the same rights and obligations as Bulgarian citizens, in accordance with the labour laws in force, the work contract, social insurance and welfare, and taxes, if no other provisions are established in international agreements to which Bulgaria is a contracting party.

3. Manifestations of racism, xenophobia and other forms of discrimination of migrants have not been observed in Bulgaria. We have no information on such manifestations against Bulgarian nationals abroad.

4. Steps taken in order to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the Convention concerning Migration for Employment (Revised), 1949 (No. 97), and the Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (No. 143).

The competent authorities are in the process of conducting a general survey of domestic legislation in force in this regard and bringing it into line with the above-mentioned Conventions, in conjunction with ratification.

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Report of the Secretary-General

ANNEX

Reply dated 21 January 1998 from the
Permanent Mission of Romania

GE.98-13092 (E)

REPLY BY THE ROMANIAN COMPETENT AUTHORITIES TO THE QUESTIONNAIRE ON THE HUMAN RIGHTS OF MIGRANTS PREPARED BY THE INTERGOVERNMENTAL WORKING GROUP ON HUMAN RIGHTS OF MIGRANTS

1. The latest figures or estimates for:

(a) Total population, including non-nationals, preferably by nationality of origin:

The data in the 1992 Census showed that the population of Romania numbered 22,810,335 persons;

(b) Number of nationals abroad, preferably by country of residence:

The number of Romanian citizens domiciled abroad in 1997 was 21,635 persons. The figures by country of residence were as follows:

Germany	5,362
United States	2,920
Canada	2,416
Italy	1,958
Austria	1,522
Hungary	1,346
France	1,277
Israel	700
Greece	391
Australia	263
Sweden	252
Other countries	3,228

From 1970 to 1972, approximately 270,200 Romanian citizens were resident abroad, the main countries being Germany, Hungary, Austria, United States, Canada, France, etc.

(c) Non-nationals having authorization to work in the country:

The number of non-nationals in Romania with a work permit at the end of September 1997 was 966. Only foreigners who have signed an individual work contract registered with the appropriate local Employment Exchange are authorized to work in Romania.

(d) Irregular migrants, including visa abusers, by country of origin:

In 1997, the Romanian competent authorities found that irregular migrants numbered 1,392. The situation, by country of origin, was as follows:

Albania	49	Lebanon	168
Algeria	3	Libya	17
Bangladesh	39	Morocco	33
Cameroon	8	Nigeria	22
China	150	Pakistan	54

Congo	41	Palestine	62
DPR Korea	5	Peru	9
Egypt	79	Rwanda	11
U.A.E.	9	Syria	199
Ghana	3	Somalia	6
Guinea	7	Sri Lanka	9
India	19	Sudan	48
Jordan	93	Tunisia	9
Iraq	193	Yemen	29
Kuwait	4		

2. What measures are being taken to strengthen the promotion, protection and implementation of human rights of migrants, such as:

(a) Legal measures:

The rights of non-nationals working in Romania are guaranteed by a number of legal enactments now in force. The legislative framework will be broadened following Romania's signing on 14 May 1997 of the (revised) European Social Charter, a Council of Europe document of fundamental importance setting out the right of migrant workers and their families to social protection and assistance. The Ministry of Labour and Social Protection is now engaged in a thorough analysis of the compatibility of Romanian legislation and modifying it so that the Charter can be ratified.

In Romania, the right of residence of foreign citizens for business, study, technical assistance, humanitarian aid, and so on, is guaranteed, pursuant to the provisions of Decree-Law No. 10/1990 and Act No. 25/1969.

Authorization to work in Romania is covered by the provisions of Government Order No. 207 of 19 May 1997, which stipulates that foreign citizens and stateless persons who are to be employed with an individual work contract, by legal persons or natural persons having their headquarters or domicile respectively in Romania, are required to obtain a work permit issued by the Ministry of Labour and Social Protection. Foreign citizens and stateless persons granted refugee status in Romania are exempt from the work permit requirement.

As to the legal provisions governing migrants' working conditions, an important place is held by Act No. 83/1995, concerning certain measures to protect employed persons, which stipulates that persons are to be hired by the signing of an individual work contract between the employee and the employer. A person so employed ranks as a wage earner and has the rights and obligations set out in labour legislation, individual work contracts and collective contracts.

Similarly, the Wages Act, No. 14/1991, also applies to employed persons domiciled in Romania or authorized to work in Romania if they carry out their activities in the country.

Act No. 54/1991, concerning trade unions, establishes that persons who are wage earners are entitled, without any restriction or prior authorization, to form trade unions.

The Labour Code also specifies that employed persons are entitled to contest any measure they deem unlawful and to apply for restitution of the respective rights. Disputes between employees and the respective enterprises in connection with the signing, performance or cessation of a work contract or labour disputes can be solved by judicial bodies or by other bodies specified in law.

Other social protection measures in Romania are intended to cover not only Romanian citizens but also foreigners established in Romania, as well as their families.

For example, the Children's State Allowance Act (No. 61/1993) guarantees the right to an allowance for the children of foreign citizens and stateless persons living in Romania, provided they live with the parents, in Romania.

The Social Welfare Act (No. 67/1995) also stipulates that families or single persons, foreign citizens or stateless persons domiciled in Romania may benefit, under the terms of Romanian law, from social welfare.

(b) Information and education:

With reference to education, foreign citizens register at the various levels of the Romanian education system, in accordance with the regulations in force, through the Ministry of Education.

Primary education is free of charge for the children of persons with the refugee status in Romania, under the terms of Act No. 15/1996, on refugee status in Romania.

Labour legislation is published in Romania's "Monitorul Oficial", which may be consulted at any time in English or French. In addition, officials of the Ministry of Labour and Social Protection preparing the files necessary to obtain a work permit in Romania are required to inform the persons concerned of their obligations under the Work Permit Regulations.

(c) Provision of direct assistance and services:

See the relevant information under item 2 (a).

It should be added that foreigners employed with an individual work contract in Romania receive all kinds of direct assistance from the departments of the Ministry of Labour and Social Protection, as a result of the signing, performance or cessation of a work contract and their status as a wage earner.

With reference to the principle of family reunification, every case is examined separately by the Romanian authorities, in accordance with the agreements and conventions to which Romania is a party and in the light also of a documented migrant's financial means.

Under the terms of the Romanian Citizenship Act, after five years' residence in Romanian territory foreigners may apply to obtain Romanian citizenship; the period of residence is only three years in cases where the foreigner is married to a Romanian citizen.

3. Have there been manifestations (how many cases?) of racism, xenophobia and other forms of discrimination against migrants in your country and against your nationals in another country?

There have been no such manifestations.

(d) Other measures, including bilateral and multilateral arrangements:

With reference to matters pertaining to the labour force, mention should be made of the entry into force on 4 January 1997 of the Agreement between the Government of Romania and the Government of the Lebanese Republic concerning the utilization of manpower, valid for three years.

In the field of social security, Romania has concluded bilateral cooperation agreements on social problems with the Czech Republic, Slovakia, Bulgaria, the Russian Federation, Hungary, Albania, Yugoslavia, France, Libya, Algeria, the Democratic People's Republic of Korea, Peru, Morocco and Greece.

4. What steps have been taken in order to ratify the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Labour Organization (ILO) Convention concerning Migration for Employment (Revised), 1949 (No. 97), and the ILO Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers, 1975 (No. 143)?

No steps have been taken to ratify the above-mentioned conventions.